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**From:** Shea, Valois [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A4217A71307D4429B7BDC7C80EB40C7D-SHEA, VALOIS]  
**Sent:** 5/16/2017 5:22:04 PM  
**To:** **Ex. 6 Personal Privacy (PP)**  
**Subject:** RE: Comment on Dewey Burdock In Situ Leach Uranium mining injection wells

Thanks very much!

*Valois*

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Valois Shea  
U.S. EPA Region 8  
MailCode: 8WP-SUI  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)

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**From:** **Ex. 6 Personal Privacy (PP)**  
**Sent:** Tuesday, May 16, 2017 10:55 AM  
**To:** Shea, Valois <Shea.Valois@epa.gov>  
**Subject:** Comment on Dewey Burdock In Situ Leach Uranium mining injection wells

**Ex. 6 Personal Privacy (PP)**

Prairie Hills Audubon Society

To Valois Shea,

Here is an e-mail from the lady at the EPA in DC I was directed to, when I asked my NEPA questions. See the second sentence in 40 CFR § 124.9 (b) (6).

It is alleged by others that in order for EPA to put this in EPA's administrative CFRs, EPA may be relying on "functional equivalence" doctrine, for which precedent was established in court cases. You might ask Allison about that - see what her opinion is of this and if EPA's CRF 40 CFR 124.9 (b) (6) below, is based in "functional equivalence" legal precedent - how do you comply with that legal precedent parameters?

I suggest once you figure it out, you explain it to the public in your final writings on this permitting and I suggest offer us another extended comment period, once your EPA's alternative to NEPA duties are fully understood.

If I have time, I will write a better letter later.

Thanks,

**Ex. 6 Personal Privacy (PP)**

Begin forwarded message:

**From:** "Hoppe, Allison" <hoppe.allison@epa.gov>

**Subject:** NEPA information

**Date:** May 11, 2017 at 2:04:02 PM MDT

**To:** **Ex. 6 Personal Privacy (PP)**

Hi **Ex. 6 Personal Privacy (PP)**

Here is the information we talked about. Let me know if you have any further questions.

40 CFR § 124.9 Administrative record for draft permits when EPA is the permitting authority.

- **(a)** The provisions of a draft permit prepared by EPA under § 124.6 shall be based on the administrative record defined in this section.
- **(b)** For preparing a draft permit under § 124.6, the record shall consist of:
  - **(1)** The application, if required, and any supporting data furnished by the applicant;
  - **(2)** The draft permit or notice of intent to deny the application or to terminate the permit;
  - **(3)** The statement of basis (§ 124.7) or fact sheet (§ 124.8);
  - **(4)** All documents cited in the statement of basis or fact sheet; and
  - **(5)** Other documents contained in the supporting file for the draft permit.
  - **(6)** For NPDES new source draft permits only, any environmental assessment, environmental impact statement (EIS), finding of no significant impact, or environmental information document and any supplement to an EIS that may have been prepared. NPDES permits other than permits to new sources as well as all RCRA, UIC and PSD permits are not subject to the environmental impact statement provisions of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4321.
- **(c)** Material readily available at the issuing Regional Office or published material that is generally available, and that is included in the administrative record under paragraphs (b) and (c) of this section, need not be physically included with the rest of the record as long as it is specifically referred to in the statement of basis or the fact sheet.
- **(d)** This section applies to all draft permits when public notice was given after the effective date of these regulations.

<https://www.epa.gov/uic/aquifer-exemptions-underground-injection-control-program>

<https://www.epa.gov/nepa/epa-compliance-national-environmental-policy-act>

Best,

Allison Hoppe  
Law Clerk  
Cross-Cutting Issues Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-1912

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**Ex. 6 Personal Privacy (PP)**

Black Hawk, SD 57718

**Ex. 6 Personal Privacy (PP)**

Skype phone **Ex. 6 Personal Privacy (PP)**

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cell phone - **Ex. 6 Personal Privacy (PP)** cell account is not activated all the time & it does not accept text,